

REMARKS

Claims 1 and 12 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In this case, neither the limitation stating "compares temperature information..." has not been described in the specification.

Applicant has amended the Claims accordingly. Support for the amendment can be found on page 12 of the specification.

Claims 1 and 12 are rejected under 35 USC 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP §2172.01. The omitted structure cooperative relationships are: it is not clear how the "remote temperature sensor" is structurally related to the device. What does it measure?

Page 12 of the specification states that the remote temperature sensor provides an ambient temperature reading.

Claim 12: it is not clear what applicant means by "herd". Does applicant mean "location of the cow in the heard"?

Applicant has amended the claims to state "an animal in a herd".

It is not clear what applicant means by "ambient temperature information from said implantable temperature device" and how it is being obtained by the implantable device. It appears that the ambient temperature is being obtained by the remote sensor.

Applicant has amended the claim accordingly.

Claim Rejections - 35 USC §103

Claims 1-4, 6, 8-9, 11-13 are rejected under 35 USC 103(a) as being unpatentable over Wallace et al. (US 4,865,044) [hereinafter Wallace] and Ridenour (US 6,113,539).

Wallace discloses a device in the field of applicant's endeavor comprising an implant, an implantable temperature device implanted in an ear of a cow including a thermistor 22 for measuring body temperature, a signal receiver/transmitter 20, a processor, an animal identification device (digital chip) attachable to a body of an animal, a computer readable medium comprising a database of temperature information, and a remote/ambient temperature sensor 23 for measuring ambient temperature of a cow compartment, wherein said processor compares temperature information received from said implantable temperature device and said remote temperature sensor with said database of temperature information and said animal identification device receives messages from said processor and generates a visual signal/display, wherein said signal is detectable on the outside of the body/remote of the animal upon receipt of signal/message from the processor and wherein said implantable temperature

device and animal identification device are configured for communication with the remotely located processor.

Wallace teaches a device for detecting temperatures which differ from a variable norm of particular use in detecting elevated temperatures in cattle. The device has a fever detector with an ambient temperature compensating circuit which provides output only when internal temperature of the animal is above a present value for a given ambient temperature. (Abstract).

In one embodiment there is described a means for detecting ambient and internal temperature together with means for transmitting a signal only when internal temperature is elevated. (Col. 2, lines 40-42).

In operation the transmitter is powered only a small fraction of the time. (Col. 9, lines 9-10).

In the second embodiment of the invention, no fever detector is necessary. (Col. 9, lines 47-48). The output of the encoder does not activate the transmitter but for a small portion of the time. (Col. 9, lines 55-57). In the second embodiment, the invention does not measure body temperature, it measures changes in body temperature only. (Col. 10, lines 35-38). Wallace states the animals to be monitored are inspected and assumed to be healthy when the devices are attached, a healthy bit rate will be recorded for each animal. (Col. 10, lines 43-46).

Amended Claim 1 requires that the implantable temperature device detect the body core temperature of an animal over an extended period of time. This is

not taught by Wallace. Wallace teaches either detecting an elevated temperature in an animal or determining whether a temperature is greater than a preset number. It does not continuously measure body core temperature over an extended period of time. Wallace further does not teach a computer readable medium comprising a database of temperature information. Again, Wallace only teaches a device which notes whether a temperature is greater than a preset temperature.

Wallace does not explicitly teach a two-way communication with a computer/computer readable medium and that alarm/display is on the body of the cow.

Ridenour discloses in Figs. 5-9 a device in the field of applicant's endeavor wherein a microprocessor send signal to a remote computer, the computer/computer readable medium analyses the signal and remotely instructs the microprocessor to illuminate an alarm light/display on the body of the cow.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Wallace, so as to have a display on the body of the cow, the display controllable by a remote computer, so as to allow the operator to spot the cow having an abnormal temperature out of the plurality of the cow in the parlor.

Ridenour teaches a device which monitors an animals health by attaching it to the tail of the animal and uses a biosensor. When the animals monitored physiological is out of a predetermined "healthy range" the microprocessor

activates an alarm to alert the feed operator. Ridenour specifically states that the present invention is only well suited to monitor and track incoming cattle for a limited amount of time.

The device described in Ridenour is not an implantable device but a device that comes into direct contact with the animals skin and/or hair during use. The device is snuggly wrapped around the animals appendage. Here no incision is required.

The microprocessor 4 continually compares the biosensor readings to predetermined user defined alarm activation criteria.

There is no teaching to combine Wallace and Ridenour. Wallace determined internal temperature of an animal while Ridenour determines external temperature of an animal. Further, the combination of the two patents does not teach detecting the body core temperature of an animal over an extended period of time, nor does it teach a processor which interprets temperature information received from the implantable temperature device and the remote device with the database of temperature information.

Therefore, Claim 1 is not obvious over the prior art.

With regards to Claims 2-4, 6, 8-9 and 11 and 13, for the reasons stated above for Claim 1, Claims 2-4, 6, 8-9, 11 and 13 are not obvious over the prior art.

With regards to Claim 12, Claim 12 requires providing a temperature recording system. Wallace specifically teaches only alerting a user when a

temperature of an animal is greater than a preset number. It does not teach a temperature recording system. Further, neither Wallace or Ridenour teach a database of an animal in a herd and temperature information from the implantable temperature device and a remote temperature sensor. Neither of the prior art references teach detecting body core temperatures over an extended period of time. Further, none of the prior art references teach interpreting the animals fluctuation over an extended period of time with the database of temperature information and ambient and remote temperature information. For these reasons, Claim 12 is not obvious over the prior art.

Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Wallace and Ridenour as applied to Claims 1-4, 6, 8-9, 11-13 above, and further in view of Hamel et al. (US 6,622,567) [hereinafter Hamel].

Wallace and Ridenour disclose the system/method as stated above. They do not explicitly disclose that the transmission is a RFID transmission of claim 5.

Hamel discloses a device wherein the information has been transmittal using a RFID chip.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system/method, disclosed by Wallace and Ridenour, so as to use RFID wireless communication device, as taught by Han, because both of this method are using wireless communication by means of radio frequency, as well known in the art, and because both of

them are alternate types of the transmission means which will perform the same function, if one is replaced with the other.

For the reasons stated above for Claim 1, Claim 5 is not obvious over the prior art.

Claim 7 is rejected under 35 USC 103(a) as being unpatentable over Wallace and Ridenour, as applied to Claims 1-4, 6, 8-9, 11-13 above, and further in view of Han et al. (US 6,835,553) [hereinafter Han].

Wallace and Ridenour disclose the system/method as stated above.

They do not explicitly teach the limitations of Claim 7.

Han discloses a system/method comprising wirelessly transmitting a sensor data, an identification signal by means of Bluetooth wireless protocol and PDA (Personal Data Assistance) wireless communication device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system/method, disclosed by Wallace and Ridenour, so as to use Bluetooth wireless protocol, as taught by Han, in order to transmit and interpret data with high accuracy and low noise, and determine a patient's location by means of a known standard internet program, so as to minimize manufacturing costs by using a known program.

For the reasons stated above for Claim 1, Claim 7 is not obvious over the prior art.

Applicant believes Claims 18 and 19 to still be part of the application. The Examiner did not address these claims. With regards to Claim 18, for the reasons stated above for Claim 1, Claim 18 is not obvious over the prior art. With regards to Claim 19, neither reference alone or in combination teaches encoding the processor with standardized animal temperature fluctuation data. Therefore Claim 19 is not obvious over the prior art.

New Claim 21 requires that the system work for an extended period of time of at least one hour and at most one year, the prior art references teach that the systems have to conserve energy and are only operated periodically. Therefore, Claim 21 is not obvious over the prior art.

Claim 22 requires that the body core temperature be compared over an extended period of time. Neither reference teaches this, therefore Claim 22 is not obvious over the prior art.

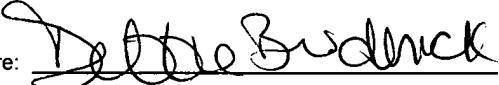
Claim 23 requires that the processor transmit a health check up message to the animal identification device. Since neither reference alone or in combination teaches this, Claim 23 is not obvious over the prior art.

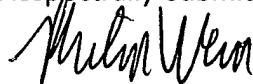
Claim 24 requires interpreting the temperature fluctuations of a particular animal over an extended period of time to determine if an animal is entering estrus. Since neither reference alone or in combination teaches this, Claim 24 is not obvious over the prior art.

Claim 25 requires creating a temperature trend for a particular animal over an extended period of time. Since neither reference alone or in combination teaches this, Claim 25 is not obvious over the prior art.

Claim 26 requires comparing a particular animals temperature information with a standardized animal fluctuation information upon entry into particular health changes. Since neither reference alone or in combination teaches this, Claim 24 is not obvious over the prior art.

Applicant believes that the application is now in condition for allowance.

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Signature: 
Name: Debbie Broderick
PMW:db

Respectfully submitted,

Philip M. Weiss
Reg. No. 34,751
Attorney for Applicant
Weiss & Weiss
300 Old Country Rd., Ste. 251
Mineola, NY 11501
(516) 739-1500